

**Environmental Assessment for  
Spring Basin Wilderness Land Exchanges**

**NEPA Register Number DOI-BLM-OR-P040-2010-0021-EA**

**U.S. Department of the Interior  
Bureau of Land Management, Prineville District  
3050 NE Third Street, Prineville OR 97754**

**June 15, 2015**

This Environmental Assessment (EA) considers the environmental consequences of a proposed action and alternatives to the proposed action to determine whether each action would significantly affect the quality of the human environment. Potentially significant effects would preclude the Bureau of Land Management (BLM) from issuing a Finding of No Significant Impact (FONSI) and would require the BLM to prepare an environmental impact statement. The term “significantly,” as used in the National Environmental Policy Act (NEPA), is defined in 40 CFR 1508.27. If the authorized officer determines that the preferred alternative in this EA does not significantly affect the environment, she will issue a FONSI. At that point, the issuance of a decision record (with public appeal period) and implementation of the project will follow. While the BLM has identified a “proposed action” alternative in the EA, the final decision on this project may include parts of several of the alternatives.

The BLM will accept written comments postmarked or received at the BLM office by September 8, 2015. Send or deliver your comments via postal service, email, or fax to the District Manager, BLM Prineville District Office, 3050 NE Third Street, Prineville, Oregon 97754; fax 541-416-6798 or email [BLM\\_OR\\_PR\\_Mail@blm.gov](mailto:BLM_OR_PR_Mail@blm.gov).

You may direct your questions to Susie Manezes, Assistant Field Manager, at 541-416-6725. To be most helpful, comments should be as specific as possible. A substantive comment provides new information about the Proposed Action, an alternative, or the analysis; identifies a different way to meet the purpose and need; points out a specific flaw in the analysis; suggests alternate methodologies and the reason(s) why they should be used; makes factual corrections; or identifies a different source of credible research which, if used in the analysis, could result in different effects.

Before including your address, phone number, email address, or other personal identifying information in your comment, please understand that the BLM may make your entire comment – including your personal identifying information – publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

## Table of Contents

Chapter 1 – Introduction .....	3
Purpose and Need for Action.....	3
Proposed Action Described by Statute.....	4
Public Scoping Issues for Analysis .....	5
Decision to be Made .....	5
Chapter 2 – Alternative Descriptions.....	6
Alternative 1 - No Action .....	6
Alternatives Considered and Eliminated from Detailed Study Pursuant to 40 C.F.R. § 1502 (a) .....	6
Alternative 4 – Proposed Action.....	9
Chapter 3 – Affected Environment and Environmental Effects .....	10
Introduction.....	10
Wilderness Recreation Opportunities .....	10
Wild and Scenic River Values .....	11
Cultural Resources .....	12
Threatened and Endangered Species.....	14
Livestock Grazing.....	14
Noxious Weeds .....	15
Access .....	15
Floodplains.....	15
Issues Considered and Summarized.....	15
Chapter 4 - Public involvement .....	18
Native American Tribes, Individuals, Organizations, and Agencies Consulted .....	18
Preparers and Reviewers.....	18
Appendices and Exhibits.....	19
Appendix 1 – Spring Basin Land Transfer Map .....	19
Exhibit A.....	20
Exhibit B .....	21
Exhibit C .....	23

## **Chapter 1 – Introduction**

The Bureau of Land Management (BLM) is processing two legislatively directed land exchanges pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), as amended, (FLPMA) and the Omnibus Public Land Management Act of 2009, Public Law No. 111-11, 123 Stat. 1048 (the Act). The Act contains a number of provisions, including the designation of the Spring Basin Wilderness Area (SBWA) in Wheeler County, Oregon, and provides for various land exchanges with adjacent property owners, including Hugh Kelly and Rosemary McGreer (the McGreers) and the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO).

The subject Federal lands involved in the McGreer exchange are located in Wasco County, and the non-Federal lands are located in Wheeler County. In the CTWSRO exchange, both the Federal and non-Federal lands are located in Wheeler County. This general vicinity is approximately 12 miles southwest of the town of Fossil and 16 miles east of the town of Antelope (see project map in Appendix 1). The SBWA lies along the east bank of the main stem of the John Day Wild and Scenic River (WSR), upstream from the site of Clarno, OR. All of the subject lands are situated between river miles 109 to 133, adjacent to the Pine Creek Conservation Area (PCCA).

The PCCA is owned and managed by the CTWSRO. Approximately twenty years ago, the United States of America, acting through the Bonneville Power Administration (BPA), provided acquisition funding to the CTWSRO for the PCCA as mitigation for tribal lands lost behind dams on the Columbia River. The BPA continues to provide annual operations and management funds for management of the PCCA as a fish, wildlife, and watershed mitigation site. The CTWSRO manages the PCCA for watershed enhancement and the benefit of fish and wildlife habitat. In 2004, the CTWSRO and the BPA completed the PCCA Wildlife Habitat and Watershed Management Plan. This plan provides goals and objectives for the property and a description of resources in the PCCA. It also defines management issues, describes initial management actions, and provides guidelines for future management actions. The plan has specific objectives for various resources including cultural and historic resources, wildlife and fish habitats, sensitive species habitats, introduced/invasive plant species, and fire management. The BPA completed a Categorical Exclusion for the Spring Basin Wilderness Land Exchange dated June 5, 2012.

### **Purpose and Need for Action**

As mentioned above, the Act authorized the CTWSRO and McGreer land exchanges. See §1754(a), (b). The Act originally directed the BLM to complete land exchanges with four landowners within or adjacent to the SBWA, if those landowners offered to convey their congressionally designated lands. Of the four landowners identified in the Act, the Bowerman estate elected not to participate in a land exchange. An exchange with another of the identified landowners is pending the resolution of title/ownership issues. Through this analysis, the BLM will determine how to best effectuate the CTWSRO and McGreer legislated land exchanges. The primary purpose of this analysis is to accomplish the intent of Congress by carrying out the CTWSRO and McGreer land exchanges that would consolidate ownership for all parties and

adjust common boundaries within and adjacent to the SBWA. These transactions would enhance land management opportunities. The BLM is processing these land exchanges using the administrative procedures under Section 206 of the FLPMA (43 U.S.C. § 1716) and the regulations at Title 43, Code of Federal Regulations, Subpart 2200 (43 CFR 2200), consistent with the provisions of the Act.

## **Proposed Action Described by Statute**

The Act was signed into law by the President on March 30, 2009. In Subtitle J of the Act, Congress designated the SBWA in the State of Oregon. See §§1751-1755. Congress also directed the BLM to complete land exchanges with willing landowners.

Section 1754 (a) of the Act addresses the land exchange with the CTWSRO. Subject to subsections (e) through (g) of the Act, the Tribes have offered to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A) of the Act.

The non-Federal land referred to was thought to be approximately 4,480 acres and identified on the wilderness map as “Lands proposed for transfer from the (Confederated Tribes of the Warm Springs Indian Reservation (CTWSIR) to the Federal Government.” The Federal land referred to in paragraph (1)(B) was thought to be approximately 4,578 acres and identified on the wilderness map as “Lands proposed for transfer from the Federal Government to CTWSIR.”

Sections 1754 (b) of the Act addresses the land exchange with the McGreer family. Subject to subsections (e) through (g) of the Act, the landowner has offered to convey to the United States all right, title, and interest to the non-Federal land described in paragraph (2)(A) of the Act. (In addition, McGreer acquired a parcel of the Bowerman property that was identified in the Act for the purpose of conveying it to the United States in the land exchange. This parcel is described as tax lot 902, Section 10, T. 8 S., R. 19 E., comprising 15.43 acres.)

The non-Federal land was thought to be approximately 18 acres and identified on the wilderness map as “Lands proposed for transfer from McGreer to the Federal Government.” The Federal land was thought to be approximately 327 acres and identified on the wilderness map as “Lands proposed for transfer from the Federal Government to McGreer.”

The Act stipulated that the exact acreage and legal descriptions of the Federal and non-Federal lands shall be determined by surveys approved by the Secretary of the Interior. In addition, the Act also requires that the value of the Federal land and the non-Federal land to be conveyed shall be equal, as determined by appraisals conducted by an independent, qualified appraiser that is agreed to by the Secretary of the Interior and the owner of the non-Federal land to be exchanged. If the value of the Federal and non-Federal land to be conveyed is not equal, the value may be equalized either by (i) making a cash equalization payment to the Secretary of the Interior or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the FLPMA or (ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

The exchanges described in the statute and the exchanges described in the proposed action alternative differ as a result of landowner preference, survey determinations, and value equalization efforts.

## **Public Scoping Issues for Analysis**

By issuance of the Notice of Exchange Proposal (NOEP) on November 7, 2013, the BLM initiated a public scoping process for a period of 45 days asking for public input on issues related to this project.

Comments received during the scoping period raised the following issues that are considered in this EA:

- How would the proposed land exchanges affect recreation opportunities in the Spring Basin Wilderness Area?
- How would the proposed land exchanges affect the outstandingly remarkable values of the John Day Wild and Scenic River (JDWSR)?

## **Decision to be Made**

The Act authorizes and directs these land exchanges. Because the CTWSRO and the McGreers have offered to convey their non-Federal lands to the United States, the BLM only has discretion to modify the exchange by making acreage adjustments to equalize value as provided by Section (f) 3 of the Act, or to apply terms and conditions as the Secretary of the Interior may require as provided by Section (g) of the Act. In the approved Feasibility Analysis completed for each land exchange, the BLM determined that this action is in the public interest pursuant to Sections 102 (a) (1) and 206 (a) of FLPMA and the Federal regulations found at 43 CFR 2200.0-6(b).

This EA includes a no action alternative, i.e., to not exchange lands. The no action alternative provides the opportunity to display the effects of an exchange versus no exchange. The BLM cannot select this alternative, however, because it would violate the Act.

The Act requires completion of the exchanges in accordance with Section 206 of the FLPMA. The FLPMA grants the Secretary of the Interior the authority to acquire lands or interests in lands by purchase, exchange, or donation as well as to dispose of Federal land or interests in land by exchange when the Secretary of the Interior makes a determination that the exchange well serves the public interest. When considering the public interest, the BLM must give full consideration to: (1) the opportunity to achieve better management of Federal lands; (2) the needs of the state and local residents and their economies; and (3) securing important resource management objectives including, but not limited to, protection of fish and wildlife habitat, riparian habitat, enhancement of recreational opportunities and public access, accommodation of land use authorizations, and fulfillment of public needs.

## Chapter 2 – Alternative Descriptions

This chapter describes a no action alternative that would continue existing management and one action alternative. The action alternative is the only alternative that would meet the Purpose and Need described in Chapter 1.

### Alternative 1 - No Action

The Secretary of the Interior would not complete the land exchanges identified in the Act. This EA uses the alternative as a basis for comparison. This alternative would not meet the Purpose and Need described in Chapter 1 and would be contrary to congressional direction in the Act.

### Alternatives Considered and Eliminated from Detailed Study Pursuant to 40 C.F.R. § 1502 (a)

#### *Alternative 2 – CTWSRO Equalization Strategy Considered and Eliminated*

The BLM coordinated with the Office of Valuation Services (OVS) to contract for a market value appraisal with an independent fee appraiser. The OVS administered the contract, prepared an Appraisal Review Report, and approved the values for agency use. The appraisal reports were completed by Steve Pio, the contract appraiser, and submitted to the OVS. The OVS approved the values (in consultation with the BPA) and issued a joint Appraisal Review Report dated June 4, 2012:

Federal land value	= \$888,700
CTWSRO land value	= <u>\$655,400</u>
	\$233,300

The alternative considered but eliminated involved the public land parcel located in Section 3, T. 8 S., R. 19 E. that comprises 223.27 acres. It is described as B-9 in the appraisal report and was valued as a riverfront home site with county road access – \$257,000.

If this parcel were retained in public ownership, the value of the Federal land would be reduced as follows ( $\$888,700 - \$257,000 = \$631,700$ ). This would comply with the regulatory parameters for cash equalization not to exceed 25 percent of the total value of the Federal lands.

CTWSRO	= \$655,400
Federal	= <u>\$631,700</u>
Difference	= \$ 23,700

Option 1 – Considered and Eliminated – Cash Equalization Payment – The BLM considered a cash equalization payment equivalent to the difference in value. A payment request of \$23,700 would be derived from the Land Exchange Equalization Payments (3120) account to provide an equalization payment that is within legal parameters.

Option 2 – In lieu of the BLM requesting an equalization payment, the CTWSRO could elect to retain certain lands lying outside the wilderness boundary to retain a value that is equivalent to the approximate value difference.

The CTWSRO considered retaining parcel T-8, the riverfront parcel valued at \$25,000.

CTWSRO	= \$655,400
T-8	<u>- \$25,000</u>
	\$630,400

Federal	= \$631,700
CTWSRO	= <u>\$630,400</u>
Difference	= \$ 1,300

The value difference of \$1,300 is less than 3 percent of the value of Federal ownership and within the parameters to allow it to be waived, if agreed upon by the parties.

Subsequently, the CTWSRO elected to acquire Federal parcel B-9, and the BLM preferred to acquire the riverfront parcel, T-8. An agreement on value was reached by both parties and is reflected in the Proposed Action Alternative.

The revised difference in value of \$217,200, in favor of the Federal land is equivalent to 24.44 percent of the value of the Federal land ( $\$217,200 / \$888,700 = .2444$  or 24.44 percent). A cash equalization payment from the CTWSRO for \$217,200 is within the regulatory parameters. The CTWSRO prefers to maximize the equalization payment rather than delete additional Federal lands.

### ***Alternative 3 – McGreer Equalization Strategy Considered and Eliminated***

The BLM coordinated with the OVS to contract for a market value appraisal with an independent fee appraiser. The OVS administered the contract, prepared an Appraisal Review Report, and approved the values for agency use.

The appraisal reports were completed by Carl Stillman, the contract appraiser, and submitted to OVS on January 11, 2012. The approved market value opinion for the Federal land was \$95,000, and the approved market value opinion for the non-Federal land was \$120,000. The appraisal provides an individual value of \$80,000 for tax lot 902 and \$40,000 for the smaller tax lot 700. The effective valuation date was November 29, 2012.

There was a difference in value of \$25,000 in favor of the non-Federal, McGreer lands. This was 26.3 percent of the Federal land value and exceeded the cash equalization payment threshold defined under 43 CFR 2201.1-3, which may not exceed 25 percent of the value of the Federal lands to be conveyed.

Equalization alternatives were applied in accordance with the provisions of 43 CFR 2201.6(a); however, the Act only allows for the exclusion of lands. Cash equalization was considered after making all reasonable efforts to equalize values by excluding lands.

Provisions of the Act constrain equalization opportunities, e.g., section 1754(f) (3) (A) (ii) and only allow modification of the proposal by reducing the acreage of the Federal or non-Federal land. The BLM elected to stay inside of the legislative parameters of the Act and not attempt to add Federal parcels for the purpose of equalizing values.

If a reduction of non-Federal land were considered, it would have been necessary to delete one of the two McGreer tax lots offered for exchange. Options to adjust the acres of the non-Federal lands were limited since the parcels exist as two individual tax lots and could not be divided without complying with State law and County planning requirements that require a land partition.

Tax lot 902 provides county road access to the river and was considered a priority for the BLM to acquire in the exchange. To minimize the equalization payment, the BLM considered deleting tax lot 700 and reducing the Federal acres accordingly. This was not a satisfactory alternative since it would compromise BLM management objectives for this area by leaving a private tax lot in the WSR boundary surrounded by Federal ownership. The BLM preferred an equalization strategy that would acquire both non-Federal tax lots and the important public values they provide.

After careful analysis, a preferred option was identified that involved an exchange with a Federal land equalization payment and a separate land donation for an undivided interest in a portion of one of the non-Federal tax lots. The McGreers agreed to convey by exchange tax lot 700 for the full value of \$40,000. Then, an undivided 98/100th interest would be applied to TL902 with a corresponding value of \$78,400 ( $\$80,000 \times .98 = \$78,400$ ). The donation portion of the transaction would involve the McGreers donating a 02/100th undivided interest in TL902 that would have been equivalent to a reduction in price of \$1,600.

The exchange portion of the transaction would recognize a total value for the McGreers' property of \$118,400 ( $\$78,400 + \$40,000$ ). The value difference between the Federal and non-Federal land would be reduced to \$23,400 ( $\$118,400 - \$95,000$ ). This difference would have been 24.6 percent of the value of the Federal land ( $\$23,400 / \$95,000 = .2463$ ) and within the regulatory parameters of 25 percent or less for a cash equalization payment.

The WO had provided tentative approval to fund this payment from the Land Exchange Equalization Payments (3120) account. The BLM Oregon/Washington considered requesting \$23,400 from this account to provide McGreer with a cash equalization payment.

This donation alternative was considered and eliminated in lieu of a subsequent recommendation from the BLM Washington Office, to divide the transaction into an exchange and an acquisition. During the informal review of the Feasibility Analysis, a value equalization strategy was developed that divided the transaction into two separate components, a land purchase and a land

exchange. The intent was to allow for the equalization of values within regulatory limits. To support this approach, Hugh Kelly and Rosemary McGreer offered to sell all right, title, and interest in Tax Lot 700 to the United States.

The BLM has acquired Tax Lot 700 by purchase with funding from the emergency account of the Land and Water Conservation Fund (LWCF). The purchase price offer was \$40,000, the approved market value verified by the OVS prior to the purchase. The acquisition case is serialized as OR-67600 and was processed separately from the exchange.

## **Alternative 4 – Proposed Action**

The proposed action is to implement the CTWSRO and the McGreers land exchanges, with no additional terms and conditions, as shown on the map in Appendix 1 and described in detail in Exhibits A, B and C.

Convey 4,224.36 acres of Federal land to the CTWSRO in exchange for 4,542.82 acres of non-Federal lands.

Convey 344.31 acres of Federal land to Kelly and Rosemary McGreer (the McGreers) in exchange for 15.43 acres of non-Federal land along within the John Day Wild and Scenic River Corridor.

### ***CTWSRO Exchange***

- Delete two Federal rangeland parcels (86.89 acres) from the Federal lands described in § 1754(a)(2)(B) to equalize values within regulatory limits. The difference in value of \$217,200, in favor of the Federal land, is equivalent to 24.44 percent of the value of the Federal land ( $\$217,200 / \$888,700 = .2444$  or 24.44 percent). A cash equalization payment from the CTWSRO for \$217,200 is within the regulatory parameters. This would comply with the regulatory parameters for cash equalization not to exceed 25 percent of the total value of the Federal lands.
- All of the Federal lands in the CTWSRO exchange, except for 222 acres, are within the boundaries of existing grazing allotments held by the CTWSRO and managed as part of the PCCA. All of the Federal lands in the CTWSRO exchange would become part of the PCCA. The CTWSRO would manage the resources according to the management plan for the conservation area.
- The BPA holds a conservation easement on all lands the agency acquired within the PCCA protecting conservation management objectives. The BPA will transfer the conservation easement it currently holds on the non-Federal lands to the lands acquired by CTWSRO.

### ***McGreer Exchange***

In the Proposed Action, the BLM will convey the Federal land valued at \$95,000 for the non-Federal land (McGreer Tax Lot 902) valued at \$80,000. This would include a cash equalization

payment of \$15,000 to the United States. This cash equalization payment is 15.79 percent of the value of the Federal land and within the 25 percent maximum difference established by regulation.

## **Chapter 3 – Affected Environment and Environmental Effects**

### **Introduction**

The affected environment describes the present condition and trend of issue-related elements of the human environment that implementation of the proposed action or an alternative may affect. It describes past and ongoing actions that contribute to present conditions and provides a baseline for analyzing cumulative effects.

The effects are the known and predicted effects from implementation of the actions, limited to the identified issues. Direct effects are those caused by the action and occurring at the same time and place. Indirect effects are those caused by the action but occurring later or in a different location. Cumulative effects result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. The cumulative effects analysis includes other BLM actions, other Federal actions, and non-Federal (including private) actions. Reasonably foreseeable future actions are those for which there are existing decisions, funding, formal proposals or which are highly probable based on known opportunities or trends.

### **Wilderness Recreation Opportunities**

#### ***How would the proposed land exchanges affect wilderness recreation opportunities in the SBWA?***

The current size of the SBWA is 5,982 acres. The steep and variable terrain offers an opportunity for solitude and primitive, unconfined recreation. The wilderness boundary is irregularly shaped and difficult to distinguish on the ground. In some areas, improved county roads, existing primitive trails, or natural drainages define the boundary.

Two locations along Wheeler County Clarno Road, south of Highway 218, provide public access to the wilderness area. This road forms the northwest boundary of the SBWA in this area. The public can also access the SBWA from the JDWSR at the point of river mile 119 and from the north and east by obtaining permission from the CTWSRO for access through the PCCA. Visitors can obtain a free access permit during most of the year for use of the adjacent PCCA lands for certain recreational activities. The current network of trails within the SBWA generally follows old, user-developed roads. These trails cross adjacent private property outside of the wilderness boundary in some locations.

The indicators for analysis of effects to wilderness recreation opportunities is the change in acreage of public land within the wilderness, ease and/or ability to identify the wilderness boundary, and changes in public access to the SBWA.

In the No Action Alternative, the acreage of the SBWA would remain the same. There would be no change to the current wilderness recreation opportunities in terms of access and trails as well as opportunities for solitude and primitive, unconfined recreation. Boundary clarity would remain the same.

In the Proposed Action Alternative, the Federal land base within the designated wilderness would increase by 2,693 acres from 5,982 to 8,675 acres. The public would have an increased opportunity for solitude and primitive, unconfined recreation because of the large blocks of adjacent lands acquired from the CTWSRO. Opportunities for solitude and primitive recreation will be enhanced by the exchange. Existing roads, trails, drainages, section lines, or interior subdivision lines would define a majority of the SBWA boundary making it more easily recognized and easier to mark on the ground.

Hugh Kelly and Rosemary McGreer acquired Tax Lot 902 from Bowerman for purposes of this exchange. This is a 15.43 acres parcel with county road access to one quarter of a mile of frontage along the east bank of the John Day River WSR. The parcel has been used extensively by the public and is referred to as the Clarno East boat launch site. The current owners closed access to the public due to management concerns. There may be public interest to add a new boat launch and take-out site; however, the John Day River Management Plan requires closure of an existing recreation site prior to development of a new site. The BLM will make decisions regarding closing, opening, or developing launch sites through the NEPA process with appropriate input from recreation personnel associated with the National Land Conservation System and the public.

The wilderness area boundary in this immediate vicinity coincides with the east property line of the McGreer parcel. This acquisition will extend the SBWA wilderness boundary westward to the east line of an existing transmission line easement, making it more recognizable and easier to define.

## **Wild and Scenic River Values**

### ***How would the proposed land exchanges affect the outstandingly remarkable values of the JDWSR?***

Portions of the lands in both exchanges are within the JDWSR corridor (See map in Appendix 1). The John Day River Management Plan Record of Decision dated February 2001 provides direction for management of the corridor.

The lower John Day River main stem, from Tumwater Falls upstream to Service Creek is a Recreational River, as defined in the Wild and Scenic River Act (82 Stat. 906). The outstandingly remarkable values (ORV) include scenic, recreation, fish, wildlife, geological, paleontological, archaeological, and historical. Botanical and ecological values are also significant as defined by the WSR Act.

The term “Recreational River” applies to rivers or sections of rivers that, at the time of designation, are readily accessible by road or railroad, may have some development along their

shorelines, and may have undergone some impoundment or diversion in the past. This definition determines how one will classify the river at the time of designation but does not limit management decisions.

The BLM encourages public use of and access to designated WSRs classified as “Recreational” to the extent consistent with protecting ORVs. The BLM may regulate public use and access where necessary to protect and enhance recreation river values, to protect users, or to meet recreation management objectives.

In both exchanges, there are six non-Federal parcels situated within the WSR corridor that will be acquired in public ownership. The BLM recently acquired an 11.04 acre parcel from McGreer with Land and Water Conservation funds. The BLM will acquire the subject 15.43-acre parcel, situated adjacent and south in this land exchange. Both parcels have river frontage and county road access. That portion of each acquired lot lying east of the road and power line would be assembled into the SBWA.

In the No Action Alternative, there would be no change to the acreage of public lands within the WSR corridor. Currently, there are 33,110 acres of Federal land within the WSR corridor and 1.75 miles of Federal river frontage from river mile 109 to 133.

In the Proposed Action Alternative for the McGreer exchange, a 37.8 acre portion of the subject Federal land is situated within the WSR corridor and would be conveyed. Although included in the overall corridor boundary, this parcel has no river frontage and no legal public access. A 15.7-acre portion of this parcel has water rights and will be managed with the adjacent, irrigated agricultural lands. The parcel to be acquired by the United States provides a quarter mile of low bank frontage along a federally designated river with public access from a county road.

In the Proposed Action for the CTWSRO exchange, the BLM will convey one Federal parcel containing 222.21 acres within the WSR corridor. A county road extends through the property dividing the upland portion of the parcel from the river. The upland portion east of the county road is within the view-shed of the river, but provides no river-based recreation opportunities. This parcel will be assembled into the adjacent PCCA lands and likely be fenced to control access.

The CTWSRO would convey to the BLM 264.49 acres with approximately 2.25 miles of river frontage within the WSR corridor. This would more than double the total river frontage in the project area from what currently exists. There will be a net gain of 37 acres of Federal lands within the WSR corridor, an increase from Alternative 1. In conclusion, the exchange would enhance the Outstanding Remarkable Values of the Wild and Scenic River.

## **Cultural Resources**

### ***What would be the effect of the proposed land exchanges on cultural resources?***

Section 106 of the National Historic Preservation Act, as amended, and the regulations found at 36 CFR 800: Protection of Historic Properties provide direction to the BLM for the assessment

of effects on historic and cultural sites. As stated in 36 CFR 800.5 (1), “An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” The regulation further states that the transfer, lease, or sale of property outside of Federal ownership or control without adequate restrictions or conditions to ensure long-term preservation of the property’s historic significance, as described under 36 CFR 800.5 (a) (2) (vii), would constitute an adverse effect.

The BLM completed a cultural resources inventory on the Federal lands identified for conveyance in two of the land exchanges associated with the legislation designating the SBWA. The Omnibus Public Land Management Act of 2009 provides for various land exchanges with adjacent property owners, including the McGreers and the CTWSRO.

The Federal lands associated with the McGreer exchange were surveyed for cultural resources by the staff Archaeological Technician of the BLM Prineville District. The findings included one historic dump site that was determined to be not eligible for listing to the Nation Register of Historic Places (NRHP). The report with a finding of no effect was submitted to the Oregon State Historic Preservation Office (SHPO). The SHPO concurred with this finding on May 12, 2014.

The Federal lands associated with the CTWSRO exchange were surveyed for cultural resources. The survey and the eligibility determinations were completed by the BLM Prineville District Archaeologist. The findings included sites that were determined to be eligible for listing to the NRHP and sites that were considered not eligible for listing.

The BLM has determined that the Federal lands associated with the CTWSRO land exchange would be conveyed with a restrictive covenant in the conveyance document to ensure the long-term preservation of the property’s historic significance, in accordance with 36 CFR 800.5 (a) (2) (vii). The BLM finds that the conveyance of the Federal parcels associated with the proposed CTWSRO land exchange, in conjunction with the restrictive covenant in the conveyance document, will have no adverse effect on cultural resources.

On July 28, 2014, the BLM met with the SHPO and the CTWSRO to review and discuss the preliminary results and determination of effects on the identified cultural sites. The parties agreed with the idea of a restrictive covenant in the conveyance document and concluded that the land exchanges would have no adverse effect on cultural resources.

The BLM is currently in consultation with the SHPO and is providing a report with a finding of no adverse effect. Upon completion of the consultation, the Section 106 process of the NHPA will be complete.

## Threatened and Endangered Species

### *What would be the effect of the proposed land exchanges on threatened or endangered species or their habitats?*

The BLM surveyed the exchange lands for threatened, endangered, and proposed species or their critical habitats and BLM special status species consistent with BLM Manual 6840. There are no federally listed or proposed species or areas of critical habitat within the project area; therefore, there would be no affect.

There is a bald eagle (BLM sensitive species) nest on one of the Federal parcels. There is potential habitat for other sensitive species, but no documented occurrences. The Federal lands to be conveyed would become part of the PCCA and be managed in accordance with its Wildlife Habitat and Watershed Management Plan. The EA does not discuss this issue further.

## Livestock Grazing

### *How would the proposed land exchanges affect livestock grazing opportunities in the SBWA?*

The proposed action would change the livestock grazing allocations (Animal Unit Months – AUMs) as indicated in the table below. Land conveyed out of Federal ownership would necessitate reissuance of several grazing leases to reflect AUM reductions. The third column below is the number of acres and the number of AUMs that consummation of the exchange would remove from the allotment and the associated grazing lease. The BLM notified the lessees of the exchange proposal by letter dated June 21, 2013. The lessees signed a Grazing Cancellation Waiver, waiving their rights to the two-year notice in accordance with 43 CFR 4110.4-2(b).

Allotment Name and Number	Existing Federal Acres and AUMs By Allotment	Federal Acres and AUMs to be Conveyed	Deeded Acres to be Acquired by BLM*
Spring Basin 2536	5,356 / 146	1,344 / 80	2,270
Byrd's Point 2577	1,685 / 97	0 / 0	640
Spud 2588	623 / 40	345 / 15	11
Tripp 2630	80 / 7	80 / 7	0
Amine Peak 2633	4,379 / 294	2,782 / 193	1,060
Rim 2649	265 / 20	105 / 7	520
Dry Knob 2656	275 / 14	0 / 0	15

\* The BLM will determine the grazing capacity of the additional AUMs associated with the acquired lands by a subsequent range survey. An increase in the number of livestock may be permitted if it can be demonstrated in the Environmental Assessment process that the increase will have no negative impact on wilderness character.

## **Noxious Weeds**

### ***What would be the effect of the proposed land exchanges on noxious weeds?***

There is an integrated weed management plan for the Federal lands. The PCCA management plan includes objectives and management actions for noxious weeds on the non-Federal lands. There are no ground-disturbing activities associated with this proposal, so there would be no new opportunities for weed establishment to occur.

## **Access**

### ***What would be the effect of the proposed land exchanges on motor vehicle access points to the WSR?***

The McGreer, non-Federal parcels lie along the river in an area referred to as Clarno East. Previously, the landowner allowed the public to use the area as a boat launch and take-out point. In 2012, the current owners closed the site to motorized public access. Once acquired by the BLM, the site would remain closed to motor vehicles but remain open to public access from the county road. The John Day River Management Plan requires closure of an existing recreation site prior to development of a new site. The BLM may decide to close other sites or open Clarno East in the future. That decision is not part of this analysis. The proposed action would not result in any change in motor vehicle access to the river. This EA does not discuss this issue further.

## **Floodplains**

### ***What would be the effect of the proposed land exchange on floodplains and wetlands?***

There are approximately 25 acres of Federal lands and approximately 35 acres of non-Federal lands classified as floodplain. The proponents utilize these floodplain areas primarily for agricultural purposes. Some of the acres contain riparian areas with native vegetation. The BLM does not expect the land use to change with implementation of the proposed action. Lands acquired by the BLM and the CTWSRO would remain in native vegetation and managed in a manner consistent with the WSR and PCCA plans.

The BLM anticipates that the McGreers would use the Federal lands for agricultural and related purposes. Any change in that land use would be subject to State and local land use laws. This EA does not discuss this issue further.

## **Issues Considered and Summarized**

### ***Mineral Potential Report***

The BLM approved a Mineral Potential Report on June 15, 2011, that was prepared for the land exchanges in and around the Spring Basin Wilderness Area. The report concluded, "The whole area does not have mineral potential." The BLM records indicate there are no active oil and gas

leases or mining claims in the SBWA. The area is remote, and other than river access, vehicular access is via unimproved, primitive roads controlled by the CTWSRO. Historically, there has been no mineral development on these lands.

The Federal Land Policy and Management Act authorized the U.S. Geological Survey and the U.S. Bureau of Mines (USBM) to conduct mineral surveys on public lands designated by the BLM as Wilderness Study Areas (WSA) to determine the mineral values, if any, that may be present. In 1987, at the request of the BLM, the USBM studied the Spring Basin WSA to evaluate its mineral resources. In 1988, the USBM conducted the Mineral Land Assessment (MLA) titled, "Mineral Resources of the Spring Basin Wilderness Study Area, Wheeler County, Oregon." There were three claims noted in the MLA that had expired. The segregative effect of the SBWA designation precludes the filing of new claims. According to the USBM MLA there is low mineral potential in this area.

The MLA determined that there were no mining districts in or near the Spring Basin WSA and identified no mineral resources. There were three lode-mining claims in the study area, all apparently located for lapidary material (cutting, polishing, or engraving a stone, mineral, or gem into a wearable jewel). Samples were taken that indicated the lapidary materials are of poor quality and exist in small quantities that would be uneconomic to develop.

### ***Summary of Reserved Mineral Interests***

The CTWSRO provided a Preliminary Title Report and copies of the vesting deeds for the non-Federal lands. The initial examination of the vesting deeds revealed two early mineral reservations comprising 1786.30 acres. Some early land patents issued by the United States contained a reservation of the Federal mineral estate. There are 2,082.17 acres with Reserved Federal Mineral Interest. Two of the reserved mineral interests are held by individuals and one is held by the State of Oregon.

In 1983, the Oregon Legislature passed a law giving landowners a means to extinguish "dormant" mineral interests held by others in the same land (ORS 517.170-180). The process requires identification of the holders of the dormant mineral interests and notifying them that their claims have lapsed. A period of 60 days is provided from the time of notification to allow the holder to resurrect the interest by filing a "statement of claim" with the County Clerk. The search and identification of the holder is only generally described in the statute under a "due diligence" requirement.

Whether or not the holder's address can be found by due diligence, the notice of lapse must be published at least once a week for three consecutive weeks in a newspaper of general circulation in the county where the lands are located. A copy of the notice of lapse and an affidavit of publication must be submitted to the County Clerk for recording within 15 days after the last publication. If the notice was not mailed directly to the holder of the mineral interest, the affidavit must contain a detailed description of the landowner's efforts, including dates, to determine "due diligence."

The filing of a statement of claim by an identified mineral interest holder can be filed with the County Clerk. No fee is required for a statement of claim. The information required of the holder is essentially identical to that contained in the mailed/published notice of lapse. This filing by the holder reinstates the claim for another 30-year period.

If the mineral interest holder has not filed a statement of claim with the County Clerk within 60 days after the last publication of the notice, the mineral interest is automatically extinguished and becomes the property of the landowner. The landowner's affidavit of publication and notice of lapse are recorded with the County Clerk in the Dormant Mineral Interest Record. *There is only one previous extinguishment found in the Wheeler County record.*

Following enactment, concerns were expressed in a legal opinion by Jerry R. Fish with Stoel, Rives, Boley, Fraser and Wyse; of Portland, Oregon, examining ORS 517.170-180. He concluded that landowners who attempt to extinguish dormant mineral interests under this law cannot be confident that they have succeeded. Initiating the process does not guarantee an extinguishment. Mr. Fish explains that the legislative history indicates that the courts will be relied upon to police the landowners due diligence efforts. If the landowner fails to use due diligence in searching for the mineral interest holder, the extinguishment may be challenged in court and invalidated.

Due to the age of these reservations, the landowner has had difficulty identifying the individuals who may hold the reserved mineral interest. Even if the actual holders are identified, it appears that the process could result in either extinguishment of the reserved mineral interest or a reinstatement by the holder of the lapsed claim.

The manager of PCCA has not witnessed any mining claims or evidence of hard rock mining in the area. There are some gravel pits in the vicinity that have been used locally for road surfacing material. There has been no evidence of high-quality gravel in the area needed for asphalt or hot mix production.

The USBM MLA indicates that the lapidary materials are of poor quality and exist in small quantities that would be uneconomic to develop. The BLM Mineral Potential Report recognizes that the entire area does not have mineral potential. In addition, any attempt to extinguish the mineral estate in accordance with ORS 517.170-180 could likely be expensive, time consuming, and inconclusive. Based on the information presented, it is determined that there is a low risk that the split mineral estate would present management conflicts in the future. The existing title evidence will be provided to the Regional Solicitor for a Preliminary Opinion of Title in the Decision stage of the exchange process. Acceptable title is required in accordance with Department of Justice title standards.

### ***Hazardous Materials Summary***

The BLM conducted a Phase I Environmental Site Assessment (Phase I) and a Pre-Acquisition Liability survey for both the Federal and non-Federal lands to determine if any recognized environmental conditions exist that may preclude the acquisition or disposal of the parcels. The assessments conformed to the BLM Manual Handbook H-2000-02, Environmental Site

Assessments for Disposal of Real Property (for the Federal parcels), and H-2000-01, Pre-acquisition Environmental Site Assessments (for the non-Federal parcels). No evidence of any hazardous substance releases or environmental contamination was identified on any of the Federal or non-Federal lands.

### ***Cumulative Effects***

The newly designated wilderness area and adjacent WSR are likely to experience increased visitor use. The BLM is not aware of other reasonably foreseeable actions that would affect wilderness recreation opportunities. The proposed action would result in the direct and indirect effects described above. No other current or anticipated actions are known that would affect WSR values.

## **Chapter 4 - Public involvement**

### **Native American Tribes, Individuals, Organizations, and Agencies Consulted**

The BLM developed the proposed action in cooperation with willing landowners, Kelly and Rosemary McGreer, and the CTWSRO and in cooperation with the BPA. The BLM sent notification letters to the Burns Paiute Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the CTWSRO on March 31, 2010. The BLM also notified the Wheeler and Wasco County Planning Departments. They will be involved in processing property line adjustment in accordance with State and local land use requirements.

The BLM published a NOEP in local newspapers once per week for four weeks beginning November 7, 2013, and notified all authorized users of the Federal and non-Federal lands, adjacent landowners, the Oregon Department of Fish and Wildlife, the State of Oregon Department of Parks and Recreation, the Oregon Department of State lands, the BPA, the National Park Service, the US Department of Agriculture Forest Service, local government entities, elected officials, and other interested parties of record. The BLM prepared this EA in consultation with the CTWSRO and the BPA.

### **Preparers and Reviewers**

#### ***BLM***

Susie Manezes – Team Lead, Assistant Field Manager

Carol Van Dorn - Geologist

Gavin Hoban, Berry Phelps – Outdoor Recreation Planners

Craig Obermiller – Rangeland Management

JoAnn Armson, Sarah Canham – Botanist, Natural Resource Specialists

Rick Demmer – Wildlife Biologist

Jeff Moss – Fisheries Biologist

John Zancanella, Terry Holtzaple, Ryan Griffin – Archaeologists

Michael Tripp – Cartography Tech

Teal Purrington – Planning & Environmental Coordinator

**Participants**

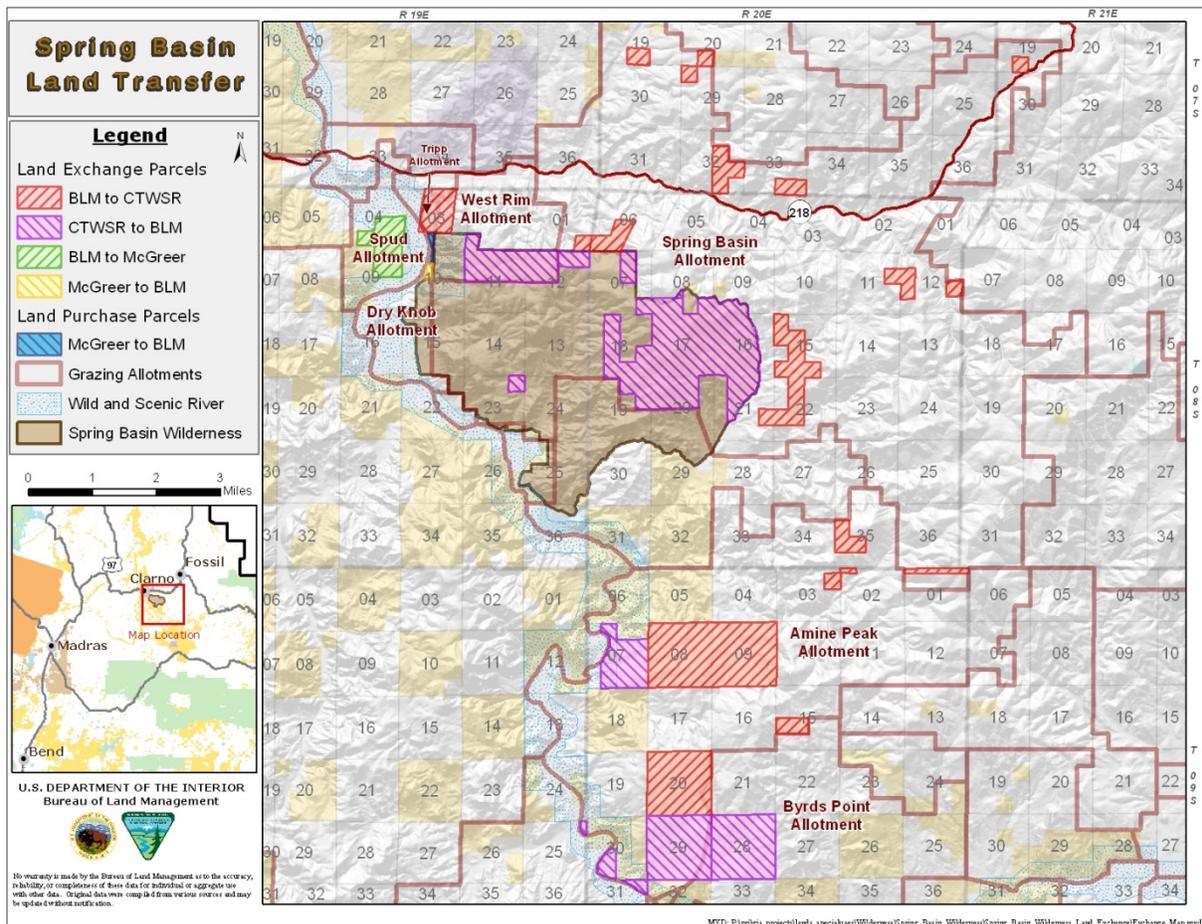
Kelly and Rosemary McGreer  
Rick Hayes, Terry Luther – CTWSRO  
BPA Staff  
BLM Oregon State Office Staff

**Contracted Employees**

Dan Tippy – EA Writer/Editor  
Philip Paterno – Realty Specialist

**Appendices and Exhibits**

**Appendix 1 – Spring Basin Land Transfer Map**



**Exhibit A**  
**Certified Lgal Descriptions of the Federal Lands in the CTWSRO Exchange**  
**(4224.36 acres)**

<u>T. 7 S., R. 20 E., Willamette Meridian (W.M.)</u>	
Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 acres
Section 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 acres
Section 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00 acres
Section 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$	160.00 acres
Section 33, S $\frac{1}{2}$ SE $\frac{1}{4}$	80.00 acres
<u>T. 7 S., R. 21 E., W.M.</u>	
Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 acres
<u>T. 8 S., R. 19 E., W.M.</u>	
Section 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres
Section 3, Lots 2, 3, 8 and 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$	222.21 acres
<u>T. 8 S., R. 20 E., W.M.</u>	
Section 6, Lot 7, E $\frac{1}{2}$ SW $\frac{1}{2}$	120.37 acres
Section 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00 acres
Section 12, Lot 2, Lot 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$	111.28 acres
Section 15, Lot 1, Lot 2, Lot 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$	264.69 acres
Section 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres
Section 22, Lot 3, E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$	154.37 acres
Section 35, Lot 2, Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$	111.54 acres
<u>T. 9 S., R. 20 E., W.M.</u>	
Section 1, Lot 1, Lot 2, Lot 3, Lot 4	50.94 acres
Section 2, Lot 4	11.90 acres
Section 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00 acres
Section 8, All	640.00 acres
Section 9, All	640.00 acres
Section 15, N $\frac{1}{2}$ SW $\frac{1}{4}$	80.00 acres
Section 18, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Lots 1, 2, 3 and 4	617.06 acres
Section 20, All	640.00 acres

**Water rights that would be conveyed with the above lands:**

<u>T. 8 S., R. 19 E., W.M.</u>	
Section 3, Lots 8 and 9 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ); Certificate 30248, 1.6 acre water right	
Section 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Certificate 25322, 0.6 acre water right	
Section 3, Lots 8 and 9 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ); Certificate 25322, 4.1 acre water right	

**Encumbrances the conveyed land above would be subject to:**

<u>T. 7 S., R. 21 E., W.M.</u>	
Section 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; TD-030078 – Highway right-of-way	
<u>T. 8 S., R. 19 E., W.M.</u>	
Section 3, OR-24421 – Trans-Cascade Telephone Company, buried telephone cable right-of-way	
Section 3, OR-34235 – Wasco Electric Coop, Inc., aerial electric distribution line right-of-way	
Section 3, Wheeler County - Clarno Road	

**Exhibit B**  
**Certified Legal Descriptions of the non-Federal Lands in the CTWSRO Exchange**  
**(4,542.82 acres)**

T. 8 S., R. 19 E., W.M.

Section 2, lot 7	32.23 acres*
Section 11, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , Lot 1, Lot 2	302.49 acres*
Section 12, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$	240.00 acres*
Section 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00 acres

T. 8 S., R. 20 E., W.M.

Section 7, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$	120.00 acres*
Section 8, Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , (that portion lying 30 feet southerly and perpendicular to the centerline of the road)	115.98 acres*
Section 9, Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , (that portion lying 30 feet southerly, westerly and perpendicular to the centerline of the road)	63.72 acres
Section 16, W $\frac{1}{2}$ NE $\frac{1}{4}$ , (that portion lying 30 feet westerly and perpendicular to the GPS line described by metes and bounds), SE $\frac{1}{4}$ (that portion lying 30 feet westerly and perpendicular to the centerline of the road in Rhodes Canyon and westerly and perpendicular to the GPS line described by metes and bounds), E $\frac{1}{2}$ W $\frac{1}{2}$ , Lots 1, 2, 3 and 4	432.87 acres**
Section 17, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , Lot 1, Lot 2, Lot 3, Lot 4	631.62 acres*
Section 18, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$	280.00 acres
Section 19, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$	120.00 acres
Section 20, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , Lot 1, Lot 2	235.83 acres*
Section 21, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , (that portion lying 30 feet westerly and perpendicular of the centerline of the road in Rhodes Canyon)	143.59 acres

T.9 S., R. 20 E., W.M.

Section 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , (that portion easterly of the John Day River), SE $\frac{1}{4}$	385.00 acres
Section 28, All	640.00 acres*
Section 29, All	640.00 acres
Section 30, SW $\frac{1}{4}$ , (that portion easterly of the John Day River)	70.07 acres
Section 31, NE $\frac{1}{4}$ , (that portion northerly of the John Day River)	34.77 acres

T.9 S., R. 19 E., W.M

Section 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , (that portion easterly of the John Day River)	14.65 acres
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**Surveys of Above Lands**

Cadastral Survey will prepare a metes and bounds description that describes all non-aliquot portions of the non-Federal in the exchange.

For lands above marked with two asterisks (\*\*), Global Positioning System (GPS) and a metes and bounds description will establish the eastern and northeastern boundary of the SBWA. Surveyors will take GPS points along an existing road that extends beside the drainage in the bottom of Rhodes Canyon. In the SE $\frac{1}{4}$  of Section 16, the mapped wilderness boundary leaves this road and extends northerly up an intermittent drainage and crossing the north line of Section 16 and continuing northerly and westerly along the road through the non-Federal lands in the S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , of Section 9. The non-Federal lands include that portion of those aliquot

parts lying 30 feet southerly and perpendicular to the centerline of the road. The road proceeds westerly crossing the section line and through the E $\frac{1}{2}$ SE $\frac{1}{4}$  Section 8. The non-Federal land includes that portion of this aliquot part lying 30 feet southerly and perpendicular to the centerline of the road. The wilderness boundary continues westerly and is coincident with the north line of Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, T. 8 S., R. 20 E.

\* All Minerals – Reserved Federal

**Reserved Mineral Interest**

- A. Reserved Federal minerals on non-Federal surface – **2,082.17 acres**
- B. Minerals owned by the CTWS – **674.35 acres**
- C. Third party reserved minerals – **1,786.30 acres**

**1. Book/Page 30-360 – Burgess to Geiler-1962 – 656.46 acres inside the wilderness boundary**

T. 8 S., R. 20 E., W.M.

- Section 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;.....80.00 acres
- Section 16, W $\frac{1}{2}$ NE $\frac{1}{4}$ , (that portion lying 30 feet westerly and perpendicular to the GPS line described by metes and bounds), SE $\frac{1}{4}$  (that portion lying 30 feet westerly and perpendicular to the centerline of the road in Rhodes Canyon and westerly and perpendicular to the GPS line described by metes and bounds), E $\frac{1}{2}$ W $\frac{1}{2}$ , Lots 1, 2, 3 and 4;.....432.87 acres
- Section 21, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , (that portion lying 30 feet westerly and perpendicular of the centerline of the road in Rhodes Canyon);.....143.59 acres

**2. Book/Page 14-363 – Lee to Reilly-1917 – 1,025 acres outside the wilderness boundary**

T.9 S., R. 20 E., W.M

- Section 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , (that portion easterly of the John Day River), SE $\frac{1}{4}$ ;...385.00 acres
- Section 29, All;.....640.00 acres

**3. Book/Page 20-205 – State of Oregon to Sullivan-1946 – 104.84 acres outside the wilderness boundary (Bottlefields Area)**

T.9 S., R. 20 E., W.M

- Section 30, SW $\frac{1}{4}$ , (that portion easterly of the John Day River);.....70.07 acres
- Section 31, NE $\frac{1}{4}$ , (that portion northerly of the John Day River);.....34.77 acres

**Total 1,786.30 acres**

**Exhibit C**  
**Certified Legal Descriptions for the McGreer Exchange**

**Lands to be conveyed from the BLM to McGreer (total 344.31 acres):**

T. 8 S., R. 19 E., W.M.,

Section 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$	200.00 acres
Section 9, Lots 5, 6, 9 and 10	144.31 acres

**Water rights to be conveyed with the above lands:**

T. 8 S., R. 19 E., W.M.

Section 4, NWSE, Certificate 83272, 0.5 acre feet  
Section 4, NWSE, Certificate 83294, 12.2 acre feet  
Section 4, NESE, Certificate 83294, 1.0 acre feet  
Section 9, SESW, Certificate 53715 (point of diversion), 0.2 acre feet  
Section 9, SWNE, Certificate 65824, 0.1 acre feet  
Section 9, SENE, Certificate 65824, 1.7 acre feet

**Encumbrances the above conveyed land would be subject to:**

T. 8 S., R. 19 E., W.M.

Section 9, S $\frac{1}{2}$ NE $\frac{1}{4}$ , A perpetual right-of-way for an irrigation canal granted to Arthur and Kathryn McGreer, serialized OR-015772, 20 feet wide and affecting lots 9 and 10.

**Lands to be conveyed from McGreer to BLM (total 15.43 acres):**

T. 8 S., R. 19 E., W.M.

Section 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , All that part lying south and east of the John Day River, excepting the County Road, Wheeler County, Oregon, also known as tax lot 8S19E-902